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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aloys Wobben
Application No. : 10/769,547
Filed : January 30, 2004
For : EARLY-WARNING SYSTEM FOR WIND POWER
INSTALLATIONS

Examiner : Ninh H. Nguyen
Art Unit : 3745
Docket No. : 970054.454C1
Date : October 7, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents:

1. I, Klaus G. Göken, declare as follows:
2. I am an agent of the German patent firm Eisenführ, Speiser & Partners (hereinafter Eisenführ) and am registered to practice before the German Patent Office.
3. All of the work described within this declaration and attached Exhibits was performed by myself, or under my direction, on behalf of the Applicant, Mr. Aloys Wobben.
4. All of the conception and the constructive reduction to practice of the invention as described within this declaration and in the attached Exhibits was performed in Germany, a World Trade Organization (WTO) member country since January 1, 1995.
5. This declaration establishes conception by showing that the invention was constructively reduced to practice in Germany prior to March 7, 2002, the U.S. filing date of U.S. Patent No. 6,749,399, issued to Heronemus.
6. The constructive reduction to practice in Germany is established by Exhibit 1, a German Patent Application No. 101 37 272.8 prepared by Eisenführ and filed on July 31, 2001. The German Patent Application is attached as Exhibit 1.

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7. An international application filed under the Patent Cooperation Treaty (PCT), PCT/EP02/07043, was prepared by Eisenführ and filed on June 26, 2002. The PCT application claims priority from the German application.

8. U.S. Patent Application No. 10/769,547, the present application, was prepared by Seed Intellectual Property Law Group, PLLC in Seattle, Washington, U.S.A. under the direction of Eisenführ. The present application was filed as a Continuation-In-Part application on January 30, 2004 and claims priority from the PCT application.

9. The claims in the U.S. Patent Application are fully supported by the subject matter in both the German Patent Application and the PCT International Application.

10. The filing date of the German Patent Application, July 31, 2001, is well before the filing date of the Heronemus reference, which was March 7, 2002.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6.08.2004
Date

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